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NEW YORK | WASHINGTON

February 1, 2006

**By ECF**

The Honorable John Gleeson  
United States District Court Judge  
For the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Visa Check/MasterMoney Antitrust Litigation, (CV-96-5238)(JG)(RLM)

Dear Judge Gleeson:

Lead Counsel writes to respectfully request that the Court set a briefing schedule to determine whether the United States ("U.S.") and the United States Postal Service ("U.S.P.S.") are class members and may participate in the distribution of the settlement funds in the above-referenced action.

Prior to the expiration of the December 28, 2005 deadline for filing claims, Lead Counsel was approached by counsel for the U.S. and the U.S.P.S., seeking an extension to file claims. Lead Counsel granted an extension until January 27, 2006, and the U.S. and U.S.P.S. filed claims on January 27, 2006.

Although the Plan of Allocation would allow Lead Counsel to initially rule on the legitimacy of these claims, subject to appeal to the Court, we think it more appropriate in this instance that the Court issue a ruling.

Without setting forth the law and facts here, which we will do in a brief or memorandum if, how, and when so directed by the Court, Lead Counsel believes that various facts, statutes and judicial precedents raise a serious question concerning whether the U.S. and U.S.P.S. are class members and may participate.

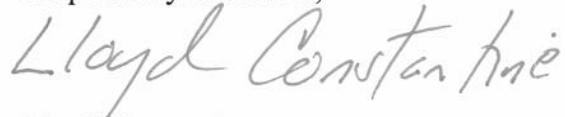
Lead Counsel respectfully requests that the Court establish a schedule for the U.S. and U.S.P.S. to explain the legal bases of their claims and for Lead Counsel and defendants to respond if they so choose. Alternatively, the Court may wish to direct Lead Counsel to first

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detail the factual and legal bases of its serious concerns with an opportunity for the U.S.,  
U.S.P.S. and defendants to respond.

Respectfully submitted,

A handwritten signature in dark ink, reading "Lloyd Constantine". The signature is written in a cursive, flowing style.

Lloyd Constantine

cc: Special Master Robin Wilcox  
Allen P. Grunes, Esq., U.S. Department of Justice  
Steven Bomse, Esq.  
Joseph Tringali, Esq.